

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
HUNTINGTON DIVISION**

JUSTIN VANDEVANDER,

Plaintiff,

Civil Case No.: 3:16-cv-04502

v.

STERLING JEWELERS INC.,  
d/b/a JARED THE GALLERIA OF JEWELRY

Defendant.

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**JOINT STIPULATION AND MOTION FOR DISMISSAL WITH PREJUDICE**

The Plaintiff, Justin Vandevander, and the Defendant Sterling Jewelers Inc., d/b/a Jared The Galleria Of Jewelry (“Sterling”), by and through their respective undersigned counsel and pursuant to Rule 41(a) of the *Federal Rules of Civil Procedure* and this Court’s Order dated September 15, 2016 (Dkt. No. 30), hereby file this Joint Stipulation and Motion for Dismissal with Prejudice, and state:

1. This Court’s Order dated September 15, 2016 stayed this action pending the Parties’ expected settlement. The Court’s Order stated that the Parties may submit an agreed order of dismissal by October 17, 2016.

2. The Parties have now executed a written settlement agreement. Accordingly, pursuant to Rule 41(a)(1)(A)(ii) of the *Federal Rules of Civil Procedure*, the Parties hereby agree and stipulate that this action and all claims asserted by the Plaintiff in this action are hereby dismissed with prejudice, with each party to bear their own attorneys’ fees and costs.

3. The Parties also request that the Court enter the Agreed Final Order of Dismissal with Prejudice attached hereto as Exhibit “1” to confirm the dismissal and direct the Clerk of Court to close the file for this case.

WHEREFORE, the Plaintiff, Justin Vandevander, and the Defendant Sterling Jewelers Inc., respectfully request that the Court enter the Agreed Final Order of Dismissal with Prejudice attached hereto as Exhibit “1”, and grant any other further relief this Court deems just and proper.

DATED: September 27, 2016.

Respectfully submitted,

/s/ Daniel K. Armstrong

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